IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

THURSDAY, THE SIXTEENTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT
THE HON'BLE MR JUSTICE S.ANANDA REDDY
WRIT PETITION NO : 3914 of 1997

Between:

The National Textile Workers Union, (Reg.No.2524)
Adoni Cotton Mills, Adoni
rep. By its General Secretary, Mr.K.Veerareddy,
S/o.Timmareddy, R/o.Adoni, Kurnool District.

..... PETITIONER

AND

1 The Chairman and Managing Director, National Textiles Corporation Ltd., Nanjappa Mansion, 29/2, 3rd Floor Santhinagar, K.H.Road, Bangalore
2 The General Manager, M/s. Adoni Cotton Mills Adoni

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to declare that the action of the respondents-corporation in laying-off the workmen of the second respondent-Mill without seeking permission from the Government under section 25-M of the Industrial Disputes Act, 1947, as illegal, unjust, contrary to law, in violation of the mandatory provisions and violative of Arts.14, 16 and 21 of the Constitution of India and further declare that the action of the respondents-Corporation is arbitrary and discriminatory.

Counsel for the Petitioner: MR.A.K.JAYAPRAKASH RAO

Counsel for the Respondents: MR.P.KAMLAKAR

The Court made the following ORDER:

This writ petition is filed by the petitioner-workers union seeking declaration that the action of the first respondent-Corporation in laying off the workmen of the second respondent-Mill without seeking permission from the Government, under Section 25-M of the Industrial Disputes Act, 1947 (for short 'the Act') as illegal, unjust and contrary to law.

This Court while entertaining the writ petition, directed the second respondent to pay full wages to all those permanent workers as per the memorandum of understanding dated 23.09.1996, as well as, as per the provisions of Section 25-M of the Act.

A counter-affidavit has been filed on behalf of the second respondent stating that there is no lay off as alleged by the petitioner. It is further stated that the first respondent–Corporation formulated Voluntary Retirement Scheme for the workers of the second respondent - Mill and majority of the employees have opted for voluntary retirement. The remaining employees, who did not opt for voluntary retirement, were attending the Mill. Further, it is stated that the second respondent unit has been referred before the BIFR under the provisions of the Sick Industries Companies Act, 1985 and the matter is pending.

In view of the fact that a counter-affidavit has been filed by the respondent stating that there is no lay off, this writ petition is disposed of. No costs.

S.Ananda Reddy, J

Date:16.09.2004
va

To

1 The Chairman and Managing Director, National Textiles Corporation Ltd., Nanjappa Mansion, 29/2, 3rd Floor Santhinagar, K.H.Road, Bangalore
2 The General Manager, M/s. Adoni Cotton Mills Adoni
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